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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,986	10/17/2000	Hung-Che Chiu	MR2349-504	2403

4586 7590 06/20/2006	EXAMINER
ROSENBERG, KLEIN & LEE	BORLINGHAUS, JASON M

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ELLICOTT CITY, MD 21043

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 January 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/10/06 has been entered.

Specification

The disclosure is objected to because of the following informalities: misspellings. The disclosure is replete with misspellings such as a consistent misspelling of "financial" as "finical", such as p.1 lines 9, 11 and 16.

Appropriate correction is required.

Claim Objections

Claims 1, 4 and 6 are objected to because of the following informalities.

Regarding Claim 1, Claim 1 is objected to because of lack of antecedent basis. Claim 1 (lines 12 – 13 of Claim 1) claims "a wireless bitmat format established by *the* wireless application protocol consortium" (emphasis added). However, examiner believes that applicant intends "a wireless bitmat format established by *a* wireless application protocol consortium," (emphasis added) as no previous mention of either WAP or a consortium was made.

Regarding Claim 4, Claim 4 is objected to because of misspelling. Claim

4 (lines 17 – 18 of Claim 4) claims to "transfer a _**finical**_ graphic information"

(emphasis added). However, examiner believes that applicant intends to "transfer

a _**financial**_ graphic information."

Regarding Claim 6, Claim 6 is objected to because of an additional term.

Claim 6 (lines 2 – 3 of Claim 6) claims "the far-end mobile terminal is a _**20**_

personal digital assistant" (emphasis added). However, examiner assumes that

"20" was an accidentally included additional term.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1,

148 USPQ 459 (1966), that are applied for establishing a background for

determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

To ensure clarity and clear understanding of examiner's rationale for application of cited prior art, terminology contained within parentheses indicates quoted language contained within said cited prior art reference while unquoted language contained within parentheses indicates the general concept as conveyed by said cited prior art reference. Such parenthetical terminology is to be interpreted as "reading on" or being "mapped to" the claim language prior to such parenthetical inclusions.

Claims 1 – 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bharadwaj (US PG Pub. 2002/0032751) in view of Negus (Negus, Christopher and Wagner, Bill. *The Complete Idiot's Guide to Networking. 3rd Edition. Alpha Books.* January 1, 2000. pp. 13 – 17, 175, 326 – 327 and 349) and Disclosed Prior Art (applicant's specification and drawings).

Regarding Claims 1 - 3, Bharadwaj discloses a method for wireless real-time transmission of graphics comprising the steps of:

- sending a request for graphical data ("drawables") to a terminal at a first location ("remotely located server") from a far-end user terminal at a second location ("client device"), the far-end user terminal being supported by a wireless access protocol (WAP) and the request being sent through a communication network that includes a mobile network ("wireless network") for communication with the far-end user terminal. (see abstract; fig. 6; p. 1, para. 2 – 7);

- at the first location ("server computer"), reading said data stored in a database (web servers) through a real-time graphic generating module ("graphic subsystem") according to the received data. (see p. 2, para. 17 – p. 3, para. 20; p. 5, para. 61);

- translating ("determine appropriate format for transmission") and compressing ("the system can choose to retransmit with lower compression or in an improved format") the read data into a graphic file ("drawable") at the first location ("server") with a wireless bitmap ("bitmat") format established by a wireless application protocol ("WAP") consortium, said graphic file ("drawable") containing said read data; and .(see p. 1, para. 2 – 7; col. 4, para. 48 – 51; p. 10, para. 128 – 130); and

- transferring the graphic file ("drawable") to a far-end user terminal ("client ") through the far-end user terminal ("client device") through the transmission servo module and the communication network. (see p. 1, para. 2 – 7); and

- wherein the communication network over which the far-end user terminal communicates with the transmission servo module additionally includes a wide area network ("Wide Area Wireless environment"). (see p. 13, para. 168); and

- wherein the communication network over which the far-end terminal communicates with the transmission servo module additionally includes an Ethernet link ("an Ethernet card"). (see p. 5, para. 56).

Bharadwaj does not teach underlined claim limitations - a method for

wireless real-time transmission of financial stock graphs comprising the steps of:

- sending a request for <u>a graph of a specific financial commodity to a</u>

  <u>hyper text transfer protocol transmission servo module of a financial</u>

  <u>quotation</u> terminal at a first location from a far-end user terminal at

  a second location, the far-end user terminal being supported by a

  <u>wireless markup language (WML)</u> and the request being sent

  through a communication network that includes a mobile network

  for communication with the far-end user terminal;

- at the first location, reading said data stored in a database through

  a real-time graphic generating module according to a the specific

  financial commodity;

- translating and compressing the read data into a graphic file at the

  first location with a wireless bitmap format established by a wireless

  application protocol consortium, said graphic file containing a

  <u>graphical two-dimensional plot</u> of said read data; and .

- transferring the graphic file to a far-end user terminal through the

  far-end user terminal through the <u>hyper text transfer protocol</u>

  <u>transmission</u> servo module and the communication network; and

- wherein the communication network over which the far-end user

  terminal communicates with the <u>hyper text transfer protocol</u>

  transmission servo module additionally includes a wide area

  network; and

- wherein the communication network over which the far-end terminal communicates with the hyper text transfer protocol transmission servo module additionally includes an Ethernet link.

Utilization of hypertext transfer protocol for trafficking information across the Internet is old and well known in the art of computer networking and information technology, as evidenced by Negus (see p. 349). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Bharadwaj by utilizing hypertext transfer protocol for obtaining information from the Internet, as disclosed by Negus, as Bharadwaj states that the new wireless networking systems are to "provid[e] Internet browsing." (see p. 1, para. 2).

Utilization of wireless markup language to provide content to a wireless device is old and well known in the art of computer networking and information technology, as evidenced by Negus (see pp. 326 – 327). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Bharadwaj and Negus by incorporating the use of any wireless markup language, as disclosed by Negus, allowing "content providers...to provide content to wireless devices" (see pp. 326 – 327).

Requesting, retrieving, generating and transmitting real-time graphical two-dimensional plots of data concerning a certain financial commodity is old and well known in the art of financial services and information technology, as evidenced by Disclosed Prior Art (see pp. 1 – 3 and figs. 1 – 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made

to have modified Bharadwaj and Negus by incorporating the ability to request,
retrieve, generate and transmit any graphical information that the inventor
desired, such as graphical plots of data concerning a certain financial commodity,
as disclosed by Disclosed Prior Art. *In re Kuhle, 526 F.2d 553, 555, 188 USPQ 7,
9 (CCPA 1975).*

Regarding Claim 4, further device claim would have been obvious from
method claim rejected above, Claim 1, and is therefore rejected using the same
art and rationale.

Regarding 5 – 9, Bharadwaj discloses a device for wireless real-time
transmission:

- wherein the far-end mobile user terminal is a mobile phone
  ("cellular telephone device"). (see p. 1, para. 3);

- wherein the far-end mobile user terminal is a personal digital
  assistant (PDA). (see p. 1, para. 3);

- wherein the far-end mobile user terminal has an ethernet
  connection ("an Ethernet card"). (see p. 5, para. 56);

- wherein the mobile network is a wide area network ("Wide Area
  Wireless environment"). (see p. 13, para. 168); and

- wherein the mobile network comprises the network ("wireless
  networking standard include providing Internet browsing). (see p. 1,
  para. 2).

Bharadwaj does not teach underlined claim limitations – a device for
wireless real-time transmission:

- wherein the <u>hyper text transfer protocol transmission servo module</u>

  <u>is connected to the wireless application gateway through an</u>

  <u>Ethernet link, or a serial communication interface and a modem.</u>

It would have been obvious to one of ordinary skill at the time the

invention was made to have modified Bharadwaj, Negus and Disclosed Prior Art

by incorporating any connection between the components as the inventor

desired, such as through an Ethernet link, as disclosed by Bharadwaj. *In re*

Kuhle, 526 F.2d 553, 555, 188 USPQ 7, 9 (CCPA 1975).

Response to Arguments

Applicant's arguments with respect to pending claims have been

considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Jason M. Borlinghaus whose telephone

number is (571) 272-6924. The examiner can normally be reached on 8:30am-

5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Hyung Sough can be reached on (571) 272-6799. The

fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

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9199 (IN USA OR CANADA) or 571-272-1000.

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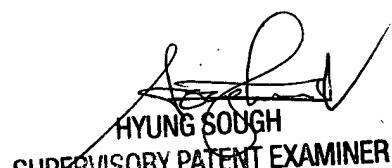
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